

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

DAVID WELCH, et al.,

2:14-CV-167 JCM (CWH)

**Plaintiff(s),**

V.

## NARCONON FRESH START,

Defendant(s).

## ORDER

Presently before the court is a motion to amend filed by plaintiffs David Welch, Stacy Welch, and Jack Welch. (Doc. # 18). Though the response deadline has passed, defendant has not filed an opposition.

## I. Discussion

Federal Rule of Civil Procedure 15(a) provides that leave to amend “shall be freely given when justice so requires.” The Supreme Court has interpreted Rule 15(a) and confirmed the liberal standard district courts must apply when granting such leave. In *Foman v. Davis*, 371 U.S. 178 (1962), the Court explained: “In the absence of any apparent or declared reason—such as undue delay, bad faith or dilatory motive on the part of the movant, repeated failure to cure deficiencies by amendments previously allowed, undue prejudice to the opposing party by virtue of allowance of the amendment, futility of the amendment, etc.—the leave sought should, as the rules require, be ‘freely given.’” *Id.* at 182. The local rules of federal practice in the District of Nevada require that a party

1 submit a proposed, amended pleading along with a motion to amend. D. Nev. R. 15-1(a).

2 Plaintiffs seek leave of the court to file an amended complaint in order to assert six new  
3 causes of action and join two new defendants. Plaintiffs have attached their proposed, amended  
4 complaint to this motion in compliance with D. Nev. R. 15-1(a). (Doc. # 18, Ex A).

5 None of the parties in this case will be prejudiced by the addition of the six new causes of  
6 action or the joinder of the additional defendants. Discovery in this case is already scheduled to  
7 continue through October 16, 2014. (Doc. # 20).

8 Therefore, in consideration of the liberal Rule 15(a) standard, the court finds that plaintiffs'  
9 motion to amend their complaint has not been made in bad faith, will not cause undue delay or  
10 prejudice, and presents cognizable legal arguments. Additionally, the court finds there is good cause  
11 to allow plaintiffs to amend their complaint.

12 **II. Conclusion**

13 Accordingly,

14 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that plaintiffs' motion to  
15 amend (doc. # 18) be, and the same hereby is, GRANTED.

16 IT IS FURTHER ORDERED that plaintiffs file an amended complaint identical to that  
17 attached as exhibit A to the motion to amend (doc. # 18, Ex. A) within seven (7) days of the entry  
18 of this order.

19 DATED July 9, 2014.

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22 UNITED STATES DISTRICT JUDGE  
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